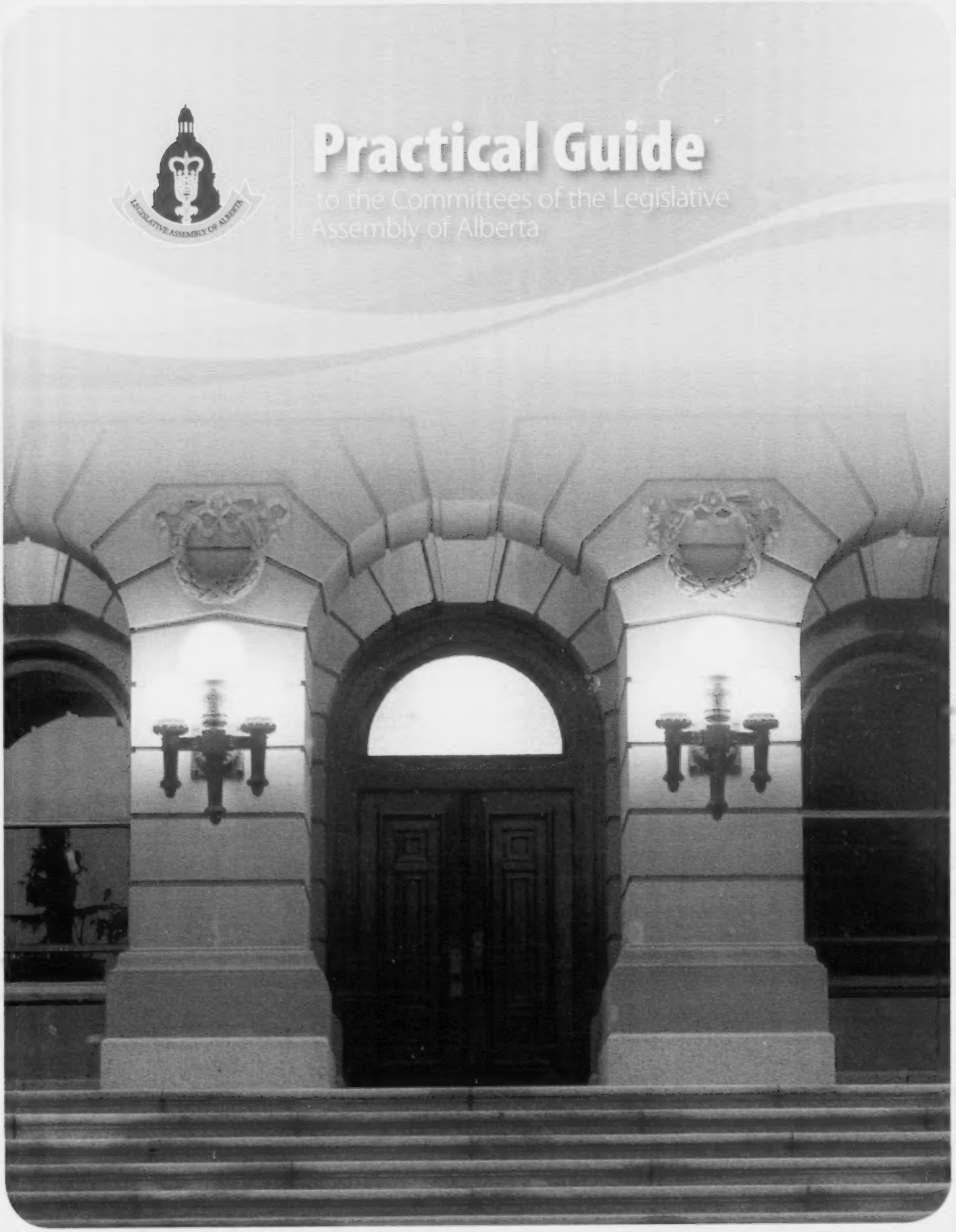
Practical Guide

to the Committees of the Legislative Assembly of Alberta



LEGISLATIVE ASSEMBLY OF ALBERTA

Foreword

The following notes have been prepared to provide committee Chairs and Deputy Chairs with information to assist them in their duties. Since parliamentary procedure is subject to interpretation, much more could be written on the topic of committee procedure and practice; however, these notes describe the most important points and those issues or concerns most frequently raised and with which every committee Chair and Deputy Chair should be familiar. Any questions with respect to this information may be directed to Senior Parliamentary Counsel and Director of House Services or to the Committee Clerks.

The operations of committees of the Legislative Assembly of Alberta are governed by Standing Orders. Where the Standing Orders or established practices do not cover a matter, reference may be made to Audrey O'Brien and Marc Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed. (Ottawa: House of Commons, 2009); Alistair Fraser, W.F. Dawson, and John A. Holtby, *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents*, 6th Ed. (Toronto: The Carswell Company, 1989); and/or Sir Malcolm Jack, ed., *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 24th Ed. (London, UK: LexisNexis, 2011).

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Legislative Committees in Alberta

Types of Committees

In Alberta, as in most other Canadian jurisdictions, there are three types of committees of the Legislative Assembly. These are

(1) Committees of the whole Assembly

  (a) Committee of the Whole

  (b) Committee of Supply

(2) Select standing committees (which include Legislative Policy Committees) and one special standing committee

(3) Select special committees (which include select special search committees)

(1) Committees of the Whole Assembly

Committees of the whole House are convened by motions resolving the Assembly into committee and are clerked by the Table Officers of the Assembly.

(a) Committee of the Whole

Bills which have been approved in principle at second reading are generally referred to Committee of the Whole. At this stage Members may offer amendments to Bills under consideration or may proceed on a clause-by-clause basis through the Bill.

Bills which have received second reading may also be referred to one of the Assembly's three Legislative Policy Committees. The motion referring a particular Bill to one of these committees may include a reporting deadline. Once consideration is complete, the Legislative Policy Committee reports to the Assembly. If the Legislative Policy Committee recommends that the Bill proceed or proceed with amendments, it goes to Committee of the Whole. The Legislative Policy Committee consideration is not a "stage," and any proposed amendments must go to Committee of the Whole for study. The Legislative Policy Committee may also recommend that a Bill not proceed. If concurrence in this recommendation is granted by the Assembly, the Bill is removed from the Order Paper.

During Committee of the Whole consideration in Alberta most often only general comments are made on Bills or on proposed amendments as opposed to clause-by-clause consideration. After debate has concluded and the question has been put on any proposed amendments, the Chair puts the question on the title and preamble of the Bill and then on the Bill itself. The Chair also puts the question "Shall the Bill be reported?" If the response is in the affirmative, this information is included on the report form completed by the Table Officers and provided to the Chair to enable the committee Chair to report to the House. If the response is in the negative, the Bill is removed from the Order Paper.

(b) Committee of Supply

All Members serve on this committee, which reviews all interim supply estimates of expenditures proposed by the Government for the upcoming fiscal year, supplementary estimates for the current fiscal year, and votes on the main estimates.

Report forms, completed by the Table Officers, are provided to the Chair to enable the committee Chair to report progress to the House or to report the recommended approval of the estimates.

The main estimates for the general revenue fund (Government, including the lottery fund) are reviewed by the three Legislative Policy Committees according to their respective mandates unless otherwise ordered. The estimates of Executive Council may be considered by one of the Legislative Policy Committees or by Committee of Supply for a minimum of two hours (Standing Order 59.01(2)(d)).

(2) Standing Committees

Standing committees are permanent committees established by Standing Order. These committees exist for the life of a Legislature although changes to their membership can occur from time to time through a resolution agreed to by the Assembly after proper notice has been given. Historically, relatively little change takes place in the membership of a standing committee throughout a Legislature. There are 8 standing committees as set out below:

1) Standing Committee on the Alberta Heritage Savings Trust Fund (9 members)
2) Standing Committee on Legislative Offices (11 members)
3) Standing Committee on Private Bills (21 members)
4) Standing Committee on Privileges and Elections, Standing Orders and Printing (21 members)
5) Standing Committee on Public Accounts (21 members)
6) Standing Committee on Alberta's Economic Future (25 Members)
7) Standing Committee on Families and Communities (25 Members)
8) Standing Committee on Resource Stewardship (25 Members)

In addition to these committees there exists a Special Standing Committee on Members' Services (11 members). This committee differs from the other standing committees in that it is chaired by the Speaker. The first Members' Services Committee was struck in 1973.

Once the 8 standing committees and one special standing committee are established at the beginning of a new Legislature, a membership list is printed in the *Votes and Proceedings* and is posted on the notice board outside the Chamber (west side). A copy of the membership list is published in *Hansard* on a daily basis and is available on the Assembly's website at www.assembly.ab.ca or may also be obtained from the Committees Branch of House Services.

(3) Special Committees

Special committees are established for specific purposes. A Minister of the Crown (usually the Government House Leader) moves a motion setting out the membership of the special committee, its terms of reference, authority for payment of expenses, utilization of staff of the Assembly and Government departments, authority to travel, and possibly authority to hire private firms and consultants.

Special committees have been appointed in the past for the purposes of reviewing workers' compensation, constitutional reform, surface rights, Senate reform, parliamentary reform, the *Freedom of Information and Protection of Privacy Act*, the *Health Information Act*, the *Conflicts of Interest Act*, and the *Personal Information Protection Act*.

During the 27th Legislature Select Special Search Committees were struck to select individuals for the positions of the Auditor General, the Chief Electoral Officer, the Ethics Commissioner, the Information and Privacy Commissioner, and the Ombudsman.

When a special committee tables its report to the Assembly, its work is completed and the committee is disbanded unless the Assembly directs otherwise.

Subcommittees

Subcommittees are established by the main committee and may exist either as long as that committee exists or until their task is completed. Subcommittees report to the main committee and are not authorized to report directly to the House. The composition of a subcommittee is not always proportional to party representation on the main committee. A standing committee may appoint members to a subcommittee only from its own ranks (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., pp. 968-970 and 1024-1025).

Like other types of committees, a subcommittee must have a Chair in order to conduct business. When establishing a subcommittee, the main committee is responsible for determining whether or not to name a Deputy Chair (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1040).

Appointment of Committees

Committees of the Whole Assembly

All Members of the Assembly serve on the two committees of the whole Assembly. The Speaker does not attend the meetings and, thus, does not participate in any of the debates. It is the Deputy Speaker who serves as Chair of Committees.

Standing Committees

The method of appointing members to standing committees is outlined in Standing Order 52.

52(1) At the commencement of the first session of each Legislature, standing committees of the Assembly must be established for the following purposes:

(a) Privileges and Elections, Standing Orders and Printing, consisting of 21 Members,

(b) Public Accounts, consisting of 21 Members,

(c) Private Bills, consisting of 21 Members,

(d) Alberta Heritage Savings Trust Fund, consisting of 9 Members,

(e) Legislative Offices, consisting of 11 Members.

(2) At the commencement of the first session of each Legislature, the Assembly must establish the Special Standing Committee on Members' Services consisting of 11 Members.

(3) The Assembly must determine the membership of the committees established under this Standing Order by resolution, which shall not be subject to debate or amendment.

(4) The composition of the membership of the committees established under this Standing Order must be proportionate to the number of seats held by each party in the Assembly.

(5) The proportionate membership of committees as prescribed under suborder (4) may be varied by an agreement among all House Leaders.

(6) The Clerk of the Assembly shall post in the Legislature Building lists of members of the several standing and special committees appointed during each session.

Standing Order 52.01(1) provides for the establishment of three Legislative Policy Committees.

(a) Standing Committee on Families and Communities – mandate related to the areas of Health, Human Services, Justice and Solicitor General, Culture, Education, and Service Alberta;

(b) Standing Committee on Alberta's Economic Future – mandate related to the areas of Agriculture and Rural Development, Aboriginal Relations, International and Intergovernmental Relations, Enterprise and Advanced Education, Tourism, Parks and Recreation, and Infrastructure;

(c) Standing Committee on Resource Stewardship – mandate related to the areas of Environment and Sustainable Resource Development, Transportation, Municipal Affairs, Treasury Board and Finance, and Energy.

(2) The Chair of a Legislative Policy Committee shall be a member of the Government caucus, and the Deputy Chair shall be a member of the Official Opposition.

The *Alberta Heritage Savings Trust Fund Act* specifically outlines the membership requirements of the Standing Committee on the Alberta Heritage Savings Trust Fund. Section 6(2) of the Act states that the membership of the standing committee shall include three members of the Legislative Assembly who are not members of the governing party, but if there is an insufficient number of nongovernment members to fill the three positions on the standing committee or an insufficient number of nongovernment members who are willing to fill the three positions on the standing committee, then the resulting vacant positions on the standing committee may be filled by members from the governing party.

Select Special Committees

As mentioned above, special committees are struck for specific tasks. A Minister of the Crown moves a motion in the House that has received proper notice. The motion sets out the committee's membership, its terms of reference, authority for payment of expenses, staffing, authority to travel if required, et cetera.

Terms of Reference for Committees

The mandate, or terms of reference, for each committee is determined by Standing Orders, an instruction from the Assembly, or statute. A committee is the master of its own proceedings; however, its deliberations should remain within its established scope of business and the related Standing Orders.

Committees of the Whole Assembly

The terms of reference for Committees of the whole Assembly are provided in Standing Orders.

(1) Committee of the Whole

Standing Orders 81 and 82 relate to this committee and read as follows:

81(1) In the Committee of the Whole Assembly, the Chair shall ask whether any comments, questions or amendments are to be offered with respect to any sections of the Bill.

(2) Where the Chair receives an indication that comments, questions or amendments will be offered with respect to any sections of the Bill, the committee shall consider every such section, with the title and preamble to be considered last.

(3) Where the Chair is satisfied that none of the Members propose to offer any comments, questions or amendments with respect to the Bill, the Chair shall proceed to put the question on the Bill's title and preamble.

82(1) All Bills shall be reported from Committee of the Whole Assembly by the Chair, and the Speaker shall then ask for the concurrence of the Assembly in the report.

(2) No amendment may be received to the motion to concur in the report except for the purpose of referring a Bill covered by the report back to the committee for further study, and every motion at the report stage shall be decided without debate.

The procedure for dealing with appropriation Bills in Committee of the Whole is outlined in Standing Order 64(4):

64(4) If any appropriation Bill has been considered by the Committee of the Whole on any day, the Chair shall interrupt the proceedings 15 minutes before the normal adjournment hour and shall immediately put a single question proposing the approval of every appropriation Bill then standing referred to the committee, which shall be decided without debate or amendment, and the committee shall immediately rise and report.

(2) Committee of Supply

Standing Order 59 states that there shall be a committee of the whole Assembly called the Committee of Supply.

Committee of Supply Procedure

The following Standing Order outlines the procedure to be followed in Committee of Supply:

60(1) When any portion of the estimates is considered by the Committee of Supply, a member of the Executive Council shall move in the committee a supply resolution relating to that portion of the estimates.

(2) When a supply resolution has been passed by the Committee of Supply, the Chair shall report the resolution to the Assembly.

(3) When consideration of all the estimates has been completed, the Chair of the Committee of Supply shall submit to the Assembly a report summarizing the supply resolutions passed by the committee.

Interim and Supplementary Estimates

When interim and supplementary estimates are under consideration, the following Standing Order applies.

61(1) Interim and supplementary estimates shall be considered for a minimum of

(a) one afternoon provided that Orders of the Day are called by 3 p.m. and Committee of Supply is the first item of business, or

(b) 3 hours if the estimates are scheduled for an evening sitting.

(2) A member of the Executive Council may, with at least one day's notice, make a motion to determine when Committee of Supply may be called to consider interim or supplementary estimates and the question shall be decided without debate or amendment.

Rules of Debate during Consideration of Main, Supplementary, and Interim Estimates

Standing Order 59.02 provides that the Standing Orders of the Assembly shall be observed during the consideration of the estimates with a few exceptions. A Member may speak more than once but for only 10 minutes at a time. A Minister and a private Member may combine their speaking time for a total of 20 minutes provided that they notify the Chair. Finally, Government officials and opposition staff may be seated at the Committee or in the Assembly during the consideration of estimates to assist Ministers or Members who are participating in the consideration of the estimates.

Review of Main Estimates by Legislative Policy Committees

Standing Order 59.01(1) provides that following the Budget Address the main estimates of departments stand referred to the Legislative Policy Committees according to their respective mandates unless otherwise ordered.

The schedule for consideration of the main estimates is prepared by the Government House Leader in consultation with the House Leaders of other parties represented in the Assembly and the Chairs of the Legislative Policy Committees (Standing Order 59.01(2)).

The Legislative Policy Committees meet to consider the main estimates on Monday, Tuesday, and Wednesday evenings from 6:30 p.m. to 9:30 p.m. (Standing Order 59.01(2)(a)). These meetings typically take place in committee rooms A and B in the Legislature Annex.

No more than two Legislative Policy Committees are scheduled to meet at the same time, and each department's estimates shall receive a minimum of three hours of consideration (Standing Order 59.01(2)(c)). The estimates of Executive Council may be considered by one of the Legislative Policy Committees or may be considered by Committee of Supply for a minimum of two hours (Standing Order 59.01(2)(d)).

Once the schedule for consideration of the main estimates is agreed to by the House Leaders, the Government House Leader tables the schedule at any time following the date that the Budget Address is made public and no later than one sitting day following the Budget Address (Standing Order 59.01(3)).

The debate times for the consideration of the main estimates by the Legislative Policy Committees are established under Standing Order 59.01(4):

(4) A Legislative Policy Committee shall consider estimates in the following manner:

(a) the Minister, or member of the Executive Council acting on the Minister's behalf may make opening comments not to exceed 10 minutes,

(b) for the hour that follows, members of the Official Opposition and the Minister, or the member of Executive Council acting on the Minister's behalf, may speak,

(c) for the next 20 minutes, the members of the third party, if any, and the Minister or the member of Executive Council acting on the Minister's behalf, may speak, and

(d) any Member many speak thereafter.

If the time allotted for a department's estimates has not expired but there are no Members who wish to speak, that department's estimates are deemed to have been considered for the time allotted in the schedule (Standing Order 59.01(5)).

Amendments to a department's estimates may be moved in a Legislative Policy Committee, but votes on the amendments are deferred until the date scheduled for the vote on the main estimates (Standing Order 59.01(6)).

When a Legislative Policy Committee has finished consideration of the main estimates of the departments within its mandate, the Chair so reports to the Committee of Supply on the date scheduled for the vote on the main estimates. This is done without question put (Standing Order 59.01(7)).

It should be noted that a committee may not increase the amount of a vote, change the destination of a grant, or change the destination or purpose of a subsidy as this would exceed the terms of the royal recommendation and infringe on the financial initiative of the Crown (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1009).

A committee may move to reduce an estimate by an amount equal to that set aside in the estimates for a program or activity to which the committee is opposed, but Members cannot propose a motion to reduce an estimate by its full amount (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1009). Motions proposing to reduce funding for a particular program in a ministry's budget estimates have been moved in the past that proposed to reduce a particular estimate to $1.

Voting in Committee of Supply - Main Estimates

The following Standing Order addresses voting on the main estimates in Committee of Supply once the Legislative Policy Committees have concluded review of the estimates that were referred to them following the Budget Address:

59.03(1) On the date scheduled or at the end of consideration of main estimates there shall be one vote in Committee of Supply on main estimates unless

(a) additional votes are required on amendments pursuant to Standing Order 59.01(6) prior to calling the vote on the main estimates;

(b) on at least one day's notice a Member has provided written notification to the Chair and the Clerk of his or her desire that the estimates of a particular department be voted upon separately, in which case that department's estimates shall be voted separately and the final vote for the main estimates shall consist of the estimates of any departments not yet voted upon.

(2) The votes under suborder (1) shall be taken without debate or amendment except as provided in Standing Order 59.01(6).

(3) The vote on the main estimates may be scheduled with a minimum of one sitting day's notice to occur any time after the Legislative Policy Committees have completed consideration of the main estimates.

(4) At 5 p.m. on the date scheduled for the vote on the main estimates, if the vote has not been taken earlier, the Chair shall interrupt the proceedings and, if required, Committee of Supply shall be called and the Legislative Policy Committee Chairs shall report without question put and then voting on the main estimates shall proceed.

(5) On the date for the vote on the main estimates and prior to the vote on the main estimates, the Chair shall put the question to approve the estimates of the Legislative Assembly, as approved by the Special Standing Committee on Members' Services, and the estimates of the officers of the Legislature, which shall be decided without debate or amendment.

(6) Once the Committee of Supply is called on the date scheduled for the vote on the main estimates, it shall, if required, continue beyond the normal adjournment hour until all matters have been voted upon, at which time the Committee shall immediately rise and report.

Standing Committees

(1) Standing Committee on Public Accounts

Standing Order 53 states that the public accounts and all reports of the Auditor General shall stand permanently referred to the Public Accounts Committee as they become available. As well, the Government is to respond to a report of the Public Accounts Committee within 150 days of the date on which the committee reports.

(2) Standing Committee on the Alberta Heritage Savings Trust Fund

Section 6(1) of the *Alberta Heritage Savings Trust Fund Act* states: "there is hereby established a standing committee of the Legislative Assembly called the 'Standing Committee on the Alberta Heritage Savings Trust Fund' consisting of 9 members of the Legislative Assembly."

Standing Order 55 provides that the Standing Committee on the Alberta Heritage Savings Trust Fund shall report to the Assembly on the fund as prescribed in the *Alberta Heritage Savings Trust Fund Act*.

The functions of the Standing Committee on the Alberta Heritage Savings Trust Fund as set out in section 6(4) of the *Alberta Heritage Savings Trust Fund Act* are to review and approve an annual business plan for the Heritage Fund, to review quarterly reports on the operations and results of the Heritage Fund, to review and report to the Assembly on the performance of the Heritage Fund, and to hold a public meeting with Albertans on the investment activities and results of the Heritage Fund.

The committee's annual report generally includes a summary of the committee's activities and recommendations approved by its members.

Under section 6(5) of the *Alberta Heritage Savings Trust Fund Act* this committee is expressly authorized by statute to meet when the Assembly is adjourned or after prorogation of a session of the Legislature.

(3) Standing Committee on Legislative Offices

The Officers of the Legislature consist of the Auditor General, the Chief Electoral Officer, the Ombudsman, the Ethics Commissioner, the Information and Privacy Commissioner, and the Child and Youth Advocate.

History of the Committee

The origin of the committee dates to November 1977, when the *Auditor General Act* was adopted. Douglas (Bill) Rogers, then Provincial Auditor, who was appointed as Auditor General on April 1, 1978, suggested the need for a mechanism to ensure the preservation of independence of the Auditor General from the Government. As Auditor General he reported to the Legislative Assembly on the operations of the Government.

A committee consisting of nine members was established on March 20, 1978, as the Select Standing Committee on the Office of the Auditor General. In May 1978 the name of the committee was changed to the Standing Committee on the Offices of the Auditor General and Ombudsman, and in November 1980 its current name was adopted.

Committee Functions

The committee reviews the operations of the Officers of the Legislature insofar as these relate to their respective proposed budget estimates and approves the budgets submitted by those offices. The committee also reviews the Officers' salaries on an annual basis.

Standing Order 55.01 provides for all reports of the Officers of the Legislature to stand referred to the committee unless otherwise ordered.

The committee may also be called on to discuss any matter of concern raised by individual Officers.

The work of the Standing Committee on Legislative Offices is ongoing, and its function is authorized by various acts, including the *Auditor General Act*, the *Conflicts of Interest Act*, the *Freedom of Information and Protection of Privacy Act*, the *Ombudsman Act*, the *Election Act*, the *Election Finances and Contributions Disclosure Act*, and the *Child and Youth Advocate Act*.

As the Officers are independent of Government, changes to their respective pieces of legislation are sometimes brought to the committee for consideration. However, it is important to note that the committee does not have the mandate to approve changes to legislation, but its recommendations are forwarded to the Minister of Justice. No reports to the Assembly are required by the committee; however, annual reports were presented in 1981, 1982, 1983, 1985, and 1986.

In 1992 the Legislative Offices Committee was charged with the selection of Alberta's first Ethics Commissioner.

(4) Standing Committee on Private Bills

Private Bills are similar to any other type of Bill proposed in the Legislature except that they are initiated by an individual or group, called a petitioner, as opposed to a Minister or private Member, and they affect only one or a few persons (e.g. corporation, service club, charity, et cetera) instead of the population as a whole.

The operations of the Standing Committee on Private Bills are outlined in chapter 8 of the Standing Orders and, in particular, in Standing Orders 96 to 106.

The petitioner of a private Bill finds a private Member to sponsor the Bill. Once a private Bill receives first reading, it is referred to the committee for consideration. The committee hears from the petitioner and any other persons interested in the Bill, all of whom give testimony under oath. At a subsequent meeting or following the departure of the witnesses the committee considers the Bill. The committee also has the option to consider the Bill *in camera*, but this practice is rare.

Oral reports are presented to the Assembly recommending that a Bill be proceeded with, not be proceeded with, or proceed with some amendments. A motion is made at the time of presentation of the report for concurrence by the Assembly. The text of the report is included in the *Votes and Proceedings*.

(5) Special Standing Committee on Members' Services

Standing Order 52(2) establishes the Special Standing Committee on Members' Services.

Mandate

The Special Standing Committee on Members' Services first met in 1974 and is traditionally chaired by the Speaker.

The committee sets Members' allowances, constituency office allowances, and Members' benefits. This committee also approves the annual estimates of the Legislative Assembly Office (LAO) and may modify regulations, orders, or directives under the *Financial Administration Act* and the *Public Service Act* governing the LAO's financial and human resources administration.

The Members' Services Committee is not involved in the day-to-day administration and direction of the LAO. The Speaker may occasionally refer a matter to the committee for a management policy determination, to determine Members' wishes, or to provide an order which enables the administration to carry out its responsibilities to support and assist Members in their duties. The general management of the LAO is within the executive power of the Speaker and the Clerk just as a department of Government is managed by the Minister and Deputy Minister.

Authority

The Special Standing Committee on Members' Services, like other committees of the Assembly, has specified tasks. No committee has a general power to determine its own scope of activities. Committees operate based on duties assigned by statute, on instructions from the Assembly contained in specific resolutions, by rules provided in Standing Orders, or by established practice. In the case of the Members' Services Committee its functions are those assigned to it under the *Legislative Assembly Act* and by precedent.

Section 21 of the *Legislative Assembly Act* stipulates that the budget for the Legislative Assembly Office is prepared and approved by the Members' Services Committee and transmitted to the Minister of Finance for presentation to the Assembly.

Section 39 of the *Legislative Assembly Act* empowers the Members' Services Committee to make orders in specific areas related to support services and benefits for Members. The Act also provides the authority for the Members' Services Committee to set Members' remuneration and allowances. Essentially all of the salaries, allowances, expense allowances, deductions, and reimbursements provided in the *Legislative Assembly Act* fall within the jurisdiction of the Members' Services Committee.

Finally, Acts such as the *Financial Administration Act* and the *Public Service Act* allow for the making of regulations, orders, and directives respecting those Acts. Section 19(2) of the *Legislative Assembly Act* allows the Members' Services Committee to make orders which may vary those regulations, orders, or directives or may render them inapplicable to the Legislative Assembly Office or any particular officer or employee of the Office.

(6) Standing Committee on Privileges and Elections, Standing Orders and Printing

This committee only meets when the House has referred some matter for consideration.

(7) Legislative Policy Committees

Standing Order 52.01(1) provides for the establishment of three Legislative Policy Committees. These three committees include the Standing Committee on Alberta's Economic Future, the Standing Committee on Families and Communities, and the Standing Committee on Resource Stewardship. The areas of consideration for these committees are established under Standing Order 52.01(1) (a), (b), and (c).

Standing Order 52.01(2) requires that the Chair of a Legislative Policy Committee be a member of the Government caucus and that the Deputy Chair be a member of the Official Opposition.

A Legislative Policy Committee may initiate or initiate at the request of a Minister the review of any regulation, amendment to a regulation, or prospective regulation within its mandate (Standing Order 52.03). If a Bill, regulation, or other matter is referred to a Legislative Policy Committee by the Assembly, it must take priority over any other hearing or inquiry (Standing Order 52.04). All inquiries by a Legislative Policy Committee must be concluded and a report presented to the Assembly within six months after the commencement of the inquiry (Standing Order 52.07(4)). The Legislative Policy Committees may hold public hearings on any Bill, regulation, or prospective regulation under review (Standing Order 52.06).

The annual reports of each Government department, provincial agency, Crown-controlled organization, board, and commission are permanently referred to the Legislative Policy Committees. The Legislative Policy Committees may report back to the Assembly on any satisfactory or unsatisfactory matters pertaining to the annual reports under review. They may also investigate and report to the Assembly on any lateness or failure in the tabling of annual reports (Standing Order 52.05(2)). A Legislative Policy Committee may also recommend to the Assembly on the need for legislation in any area within its mandate (Standing Order 52.08(2)).

Standing Order 52.09 provides for the Government to respond to a Legislative Policy Committee's report on any matter other than a report on a Bill or a report provided for under Standing Order 52.08(3) within 150 days from the date on which the Legislative Policy Committee reports. As well, no motion concurring in a Legislative Policy Committee's report to which the Government must respond under suborder (1) shall be voted upon until that response is tabled in the Assembly.

Legislative Policy Committees may also be deemed to be a special committee for the purpose of a comprehensive statute review, as in the case of the review of the *Freedom of Information and Protection of Privacy Act*, which was referred to the Standing Committee on Health in 2010.

Referral of a Bill to a Legislative Policy Committee

The Legislative Policy Committees may have Bills referred to them (Standing Order 52.02). Standing Order 74.1 provides that after a Bill has been read a first time and before it has received second reading, a member of Executive Council (for a Government Bill) or the sponsor of a Private Member's public Bill, may move a motion to refer the Bill to a Legislative Policy Committee. Standing Order 74.2(1) provides that when a Bill is referred to a Legislative Policy Committee after first reading, the committee may conduct a public hearing on the subject matter of the Bill and report back to the Assembly on its observations, opinions, and recommendations. Once the Legislative Policy Committee has conducted its review of the Bill, the committee reports to the

Assembly. If the committee recommends that a Bill proceed, and the Assembly concurs in that recommendation, the Bill is placed on the Order Paper for second reading.

Standing Order 78.1 provides that any time after a Bill has been read a second time and before it proceeds to Committee of the Whole, a member of Executive Council (for a Government Bill) or any Member of the Assembly (for a Private Member's public Bill) may move to refer the Bill to a Legislative Policy Committee.

Standing Order 78.2(1) allows for a public hearing to be conducted when the Bill is referred to a Legislative Policy Committee after second reading. Under Standing Order 78.2(2), however, no public hearings may be conducted under 78.2(1) if the Bill has been subject to committee consideration after first reading.

After completing its review, the committee must then report to the Assembly as to whether the Bill should proceed, not proceed or proceed with amendments. When the committee's report recommends that the Bill not proceed, a motion to concur in the report is put immediately to the House, and if agreed to, the Bill is dropped from the Order Paper (Standing Order 78.4).

Committee Reports and Documents

According to Standing Order 68 all reports of a standing or special committee must be signed by the Chair even if the Chair dissents from the majority of the committee. A committee's report is determined by the committee as a whole or the majority of it, but it may include minority reports. Standing Order 68 also provides that all documents that come into the possession of a committee or that are prepared by or for the committee are the property of that committee until it ceases to exist or it reports to the Assembly, after which the documents belong to the Assembly.

Select Special Search Committees

A select special search committee is struck by a motion in the House as required following the retirement, resignation, or nonrenewal of the term of an Officer. A search committee usually comprises some or all of the members of the Standing Committee on Legislative Offices.

The motion to establish a search committee is moved in the Legislative Assembly, and once struck, the search committee establishes a tentative timetable and procedures to be used for its search. It decides whether to use the resources of Executive Search in Corporate Human Resources (CHR) or whether to hire a private consulting firm. It sometimes opts to involve other organizations (e.g. Institute of Chartered Accountants of Alberta when inviting applications for the position of Auditor General) to assist in the search.

The search committee establishes its own budget, approves a position profile, and proposes advertisements for daily and weekly newspapers and/or periodicals and the Internet with the assistance of the Communications Branch of the Clerk's office. Applications and resumés are screened by CHR or the private consulting firm hired, and a screening report is prepared for the search committee to identify candidates to be invited to preliminary interviews by Executive Search, CHR, or the private consulting firm. The search committee conducts final interviews, and following reference checks successful candidates are notified. The Clerk and the Human Resources Branch of the LAO are involved in the salary negotiations.

The search committee proposes the appointment of a successful candidate to the Legislative Assembly if the Assembly is then sitting or, in some cases, to the Select Standing Committee on Legislative Offices, which in turn recommends to the Legislative Assembly the successful candidate for approval by the Lieutenant Governor in Council (Cabinet). If the Assembly is not sitting, the search committee's report is deposited with the Clerk's office and copies sent to all Members. Five copies of the report are then tabled when the Assembly resumes sitting, and the appropriate motion to concur in the report is proposed by a Member of Executive Council.

A swearing-in ceremony for the new Officer is arranged by the Office of the Speaker.

Committee Administration

Agenda

The Committee Clerk normally prepares a meeting agenda based on directions from the Chair or the Chair and Deputy Chair and/or following discussions and decisions made at previous committee meetings. The agenda always includes an item which allows members to raise new business or "other" items for discussion. The committee may also decide to table items for discussion at future meetings.

Audiostreaming of Proceedings

The audio proceedings of standing and special committees are streamed live on the Internet and can be accessed from the Assembly's website at http://assemblyonline.assembly.ab.ca/. Additionally, online audio files for committee proceedings are available for the duration of the mandate of the committee.

Locations

Meeting space is reserved by the Committee Clerk. Generally meetings are held in either Committee Room A or B on the 4th floor of the Legislature Annex, both of which are equipped for *Hansard* recording and video and telephone conferencing. These rooms are for the use of Members, committees of the Legislative Assembly, caucus staff, and employees of the Legislative Assembly Office.

Notices

Notices of meetings are prepared and distributed to all committee members by the Committee Clerk. As well, all notices are posted on the notice board outside the Chamber (west side) and on the Legislative Assembly website at http://www.assembly.ab.ca/committees/index.htm.

Security

For all standing and special committee meetings held in the Legislature Annex committee rooms or in some instances the Assembly Chamber, two Legislative Assembly Office security staff will be present. Should the meetings be held *in camera*, proper signs will be posted so that the public and other individuals do not enter the galleries or the meeting room.

Telephone Conferencing

Section 6 of the *Legislative Assembly Act* permits participation in a committee by means of telephone or other communication facilities that permit all Members participating in the meeting to hear each other if all the members of the committee consent. The committee rooms are equipped to facilitate meeting participation by telephone. Committees have a choice of passing a motion, which needs to be agreed to unanimously, to approve meeting attendance by telephone for the duration of a Legislature

or to move such a motion at the end of a meeting, indicating whether participation by telephone will be permitted at the next meeting.

Members wishing to attend meetings by telephone should make advance arrangements with the Committee Clerk.

Transcripts of Proceedings

Final, official *Hansard* transcripts of the proceedings of the Legislative Assembly's standing and special committees are posted to the Assembly external website at www.assembly.ab.ca. Unofficial transcripts, or the "Blues," are posted to the Legislative Assembly's internal website, OurHouse.

Use of Laptops during Committee Meetings

Members are encouraged to use their Legislative Assembly laptops to access the secure committee websites and the documents therein during committee meetings.

Documents

All correspondence, briefs, submissions, or other documents which come into the possession of a committee or which are prepared by or for a committee shall be the property of the committee until the committee reports or ceases to exist, whichever event occurs first. After the committee reports, all the material outlined above becomes the property of the Assembly (Standing Order 68(3)).

Documents may be presented to the committee and received for its information. If the documents have any conditions, such as confidentiality attached, that matter must be dealt with before the documents are distributed. The committee may choose by resolution to decline to receive the documents because of the attached conditions, or it may receive the documents and abide by the conditions.

Legal briefs prepared by Parliamentary Counsel for discussion by the committee are not made available to the public without the express permission of the committee.

Budget Preparation

Each committee's budget is prepared by the Committee Clerks and Senior Parliamentary Counsel and Director of House Services in consultation with individual committee Chairs prior to inclusion in the Legislative Assembly estimates.

The Chair may approve the draft budget for submission or may present the proposed budget to the committee for its review and approval depending on time constraints. Once approved, budgets are submitted to the Special Standing Committee on Members' Services for ratification. The Members' Services Committee reviews all standing and special standing committee budget submissions and may invite the Chairs to attend budget meetings in order to speak to the submissions.

The Chair of the Members' Services Committee is responsible for transmitting all committee budgets to the Minister of Finance for inclusion in the Legislative Assembly estimates book. Legislative Assembly estimates are presented separately from Government estimates by the Minister of Finance when delivering the Budget Address.

Travel and Committee Expenses

The Committee Clerk assigned to the committee assists with and coordinates all committee travel arrangements.

Travel expenses for individual members' travel to committee meetings may only be claimed outside of legislative sessions. Committee expense forms are available to all committee members from the Committee Clerk. Assistance in completing the expense forms may be obtained from the Committee Clerk, and any unusual requests or concerns should be addressed to that individual, to the Chair, or to Senior Parliamentary Counsel and Director of House Services. Upon completion and signature by the committee members, forms are signed by the Chair and Senior Parliamentary Counsel and Director of House Services prior to being forwarded to Financial Management and Administrative Services for processing.

Expenses may be claimed for attendance at conferences relating to a committee's mandate. Should a Member require a travel advance in order to attend a conference, the Committee Clerk will assist in arranging for the advance. Travel and hotel arrangements as well as the payment of conference fees will be arranged by the Committee Clerk. Expense claims are signed by Parliamentary Counsel and Director of House Services.

Members on the capital residence allowance program may only claim for expenses incurred travelling to meetings or conferences outside of Edmonton.

Section 36(1) of the *Legislative Assembly Act* states:

36(1) A Member who serves on a committee appointed by resolution of the Assembly or who performs duties in respect of the Assembly that are recognized by the Members' Services Committee is entitled to be paid in respect of that service or those duties

(a) an allowance in an amount prescribed by the Members' Services Committee,

(b) an allowance in respect of the Member's living expenses at the rate prescribed by the Members' Services Committee

(i) for each day on which the Member attends committee meetings or is otherwise engaged in the business and affairs of the committee, and

(ii) for each additional day required for travel in connection with the matters referred to in subclause (i),

if the Member is required to obtain accommodation by reason of the Member's absence from the Member's ordinary place of residence on that day, and

(c) the Member's reasonable travelling expenses for travel otherwise than by private automobile, or an allowance for every kilometre travelled by private automobile at a rate per kilometre prescribed by the Members' Services Committee.

(2) No Member is entitled to be paid any amount under subsection (1) in respect of service on more than one committee on the same day.

Committee Staff

Each committee is supported by a Committee Clerk and Researcher employed by the Clerk's Office. These individuals are nonpartisan and independent officers of the committee who serve the committee as a whole and representatives of all caucuses equally.

Committee Clerk

The Committee Clerk is a professional from the Legislative Assembly Office who performs his or her duties and responsibilities under the direction of the committee, its Chair, and its Deputy Chair. As an expert in the rules of the Assembly the Committee Clerk may give advice to the Chair and members of the committee should a question of procedure arise. The Committee Clerk is the coordinator, organizer, and liaison officer for the committee and, as such, will be in frequent contact with Members and their staff.

The Committee Clerk meets with the Chair and in some cases with the Deputy Chair to map out meeting schedules. He/she prepares agendas, Chair's briefing notes and material, correspondence for the Chair's signature, committee reports, minutes, and carries out all follow-up activities relating to the work or resolutions approved by the committee. He/she is responsible for making all arrangements for public hearings when these take place, either in Edmonton or elsewhere in the province, and travels with the committee when meetings or public hearings take place away from the capital. He/she is also the main point of contact for inquiries from the general public, public officials, and in some instances the media concerning the committee's activities.

The Committee Clerk develops and monitors budgets and reviews expense claims and invoices prior to their final approval by the Chair and Senior Parliamentary Counsel and Director of House Services.

Committee Research

The Committee Research Section of House Services is staffed by the Committee Research Coordinator and a small group of Research Officers. These individuals are highly skilled researchers providing nonpartisan and impartial research services for the standing committees of the Assembly. They are resource persons for any substantive questions that the Chair and committee members may have and provide briefing material and other background material to committee members upon a committee's request. They also assist Members in committee meetings by providing oral briefings and by being available to respond to questions respecting the topics/issues under review. They travel with committees when required and support committee members who make presentations at conferences.

Committee Research Coordinator

The Committee Research Coordinator's role is to receive research assignments from committees and work with committee Chairs and Legislative Assembly Office staff to facilitate the completion of the committee's research requests. The Committee Research Coordinator supervises the Research Officers' work by assigning research tasks, managing workloads, and providing editorial support and content advice on the briefings produced. The Research Coordinator also prepares briefings and other research products.

Communications Services

Communications Services provides support and advice to committees as needed. This support includes the development of strategies to address communication objectives with the public and media. Such strategies may include writing and/or graphic design expertise for website development, advertising, media relations, fact sheets and other materials as directed by the committee.

Committee Staff

Standing and select special committees are assigned to Committee Clerks depending on their respective workloads. Special committees are also generally given authority to hire such additional staff as may be required to complete the work of the committee. Such staff have in the past included researchers and public relations specialists from the public and private sectors and, in the case of search committees, human resource specialists.

Work related to committees of the whole Assembly is undertaken by the Clerks at the Table of the House.

The Clerk of the Assembly, Senior Parliamentary Counsel and Director of House Services, and the Law Clerk are also available for consultation with respect to any procedural matters arising in committees.

Procedure in Committees

Powers of Committees

Section 9 of the *Legislative Assembly Act* references the privileges, immunities, and powers of committees of the Assembly. Section 14 references the authority of committees to compel attendance of witnesses.

Fraser et al. (*Beauchesne's*, 6th Ed., §830 p. 233), cited below, reinforces the statutory authority given to Alberta's committees (see also O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., pp. 973-988 and 1047-1048).

> §830... standing committees have the power to examine matters that are referred to them by the House, reporting from time to time and sending for persons, papers and records, sitting while the House is sitting and during adjournment of the House, printing all necessary papers and evidence, establishing sub-committees as required and delegating all or any of their powers except the power of reporting directly to the House.

Application of Standing Orders

All committees of the Legislative Assembly shall observe the provisions of the Standing Orders of the Assembly insofar as they may be applicable (Standing Orders 1 and 65) except that Members may speak more than once. In committees of the whole Assembly a Member may speak up to 20 minutes at a time (Standing Order 65(1)(b)).

Legislative Policy Committees may only go *in camera* with the unanimous consent of the Members present while other committees may go *in camera* by a vote of the majority present.

Committees are masters of their own procedures within the limits outlined above (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., pp. 973 and 1047-1048); (see also Fraser et al., *Beauchesne's*, 6th Ed., §760, p. 222).

Proceedings in committee are more relaxed than in the Assembly, and Members sometimes remove their suit jackets.

Meeting Schedule

A standing or special committee may without leave of the Assembly sit during a period when the Assembly is adjourned (Standing Order 54(1)).

A committee may not sit during the hours the Assembly is sitting without leave of the Assembly (Standing Order 57(1)). A motion for leave is not debatable, but the sponsor of the motion shall explain why the leave is necessary.

Days and Hours of Meetings

The Chair may set the days and hours of meetings with the consent of the committee (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1031, also Fraser et al., *Beauchesne's*, 6th Ed., §810, p. 230). It is the practice of committees to leave the next meeting to the call of the Chair or to a specified date and time.

The schedule for consideration of the main estimates by the Legislative Policy Committees is prepared by the Government House Leader in consultation with the Official Opposition House Leader, the third party House Leader, and the chairs of the Legislative Policy Committees.

- Unless agreed to otherwise, the Legislative Policy Committees shall meet to review the main estimates on Monday, Tuesday, and Wednesday evenings from 6:30 p.m. to 9:30 p.m.
- No more than two Legislative Policy Committees shall be scheduled to meet at the same time.
- Each department's estimates shall receive a minimum of three hours of consideration.
- The estimates of Executive Council may be considered by one of the Legislative Policy Committees or may be considered by Committee of Supply for a minimum of two hours.

The Government House Leader tables in the Assembly the schedule for consideration of main estimates at any time following the date of the Budget Address being made public and no later than one sitting day following the Budget Address.

Organizational Meeting

Some standing committees meet for a brief organizational meeting in order to establish a meeting schedule or to determine those Ministers or other individuals the committee may invite to appear. If no organizational meeting is held, the Chair may determine a proposed schedule for meetings by consulting with the Deputy Chair. The Chair may direct the Committee Clerk to canvass committee members to determine their availability.

Quorum

A quorum is the minimum number of Members required to be in attendance for a committee to conduct its business. Quorum in Committee of the Whole is 20 Members (Standing Order 5). Standing Order 56(4) provides that one third of the members of a standing or special committee constitutes a quorum unless the Assembly has otherwise ordered. In calculating a quorum, the Chair is included.

Only regular members of a committee, or properly designated substitutes, are counted as part of the quorum (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1085).

Without a quorum a committee cannot pass motions but may still carry on deliberations. *Beauchesne's* (Fraser et al., *Beauchesne's*, 6th Ed., §808(3), p. 230) indicates that no motions may be put by the Chair (although notice may be given of proposed motions) nor recorded votes taken during committee sittings held under a reduced quorum (see also O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1052 and 1059).

In standing or special committee meetings the Committee Clerk will take attendance and will advise the Chair of the lack of a quorum. Upon receipt of advice that there is no quorum, the Chair may suspend the meeting until a quorum is again present or adjourn the committee to some future time (Standing Order 5 and Fraser et al., *Beauchesne's*, 6th Ed., §593, p.179). According to O'Brien and Bosc (*House of Commons Procedure and Practice*, 2nd Ed., pp. 1059 and 1085), "Committees may authorize the Chair to hold meetings for the sole purpose of hearing evidence when a quorum is not present."

Recognition of Members

The Chair of a standing committee generally prepares a list of Members who wish to speak to matters before the committee. A limit on the number of supplementaries allowed to each question may be set by the Chair or the committee at the commencement of that committee's meetings.

In committees of the whole Assembly opposition critics are traditionally recognized immediately after Ministers, followed by a rotation of Members for and against the item before the committee. Members are allowed to speak for 20 minutes as often as they wish and may ask as many questions in that time as they wish answered by the Minister or sponsoring Member.

Relevancy and Repetition

As in the House itself committee members must ensure that their remarks are relevant to the matter before the committee and must avoid repetitious questions or comments. Standing Orders 23(b) and (c) relate to relevancy and repetition.

Adjournment

Typically, a committee must be adjourned at the termination of each meeting and from day to day by majority vote.

A motion to adjourn is always in order and shall be decided without debate (Standing Order 18(2)). If a motion to adjourn is defeated, it shall not again be made until some other item of business has intervened (Standing Order 28; see also O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., pp. 1052 and 1059).

A motion that the Chair leave the chair is also always in order, and the question is put immediately without debate (Standing Order 67).

In Camera Meetings

In camera means that the committee's proceedings are held in closed session. Neither the public nor the media is permitted to observe *in camera* proceedings, and there is no broadcasting of any kind. A committee may meet *in camera* for a portion or an entire meeting following a motion agreed to by a majority vote by committee members present with the exception of Legislative Policy Committees, where unanimous consent is required before a meeting or a portion thereof can be held *in camera* (Standing Order 65(1)(c)).

The motion proposing that the committee meet *in camera* should specify who may remain in the meeting room (e.g. expert witnesses, a Member who is not a member of the committee) and what portion of the meeting will be conducted in closed session. The committee may not exclude any of its Members or the Committee Clerk. The *in camera* portion of the meeting is not documented in the minutes; therefore, any decisions the committee wants recorded must be restated when the committee resumes its deliberations on the record.

The following represent occasions when a committee might decide to meet *in camera*:

- consideration of its agenda;
- when evidence might incriminate a witness;
- when evidence might reflect prejudicially on the reputation, character, or conduct of a witness or another party;
- when evidence might involve a sensitive, privileged, confidential, or classified matter;
- when evidence might concern a matter that is the subject of a pending civil or criminal trial;
- when for any reason the committee is of the view that the public interest would be better served by holding the meeting in closed session;
- when discussing personnel issues or salaries for the Legislative Officers; or
- to discuss a committee's report.

Divulging any part of the proceedings of an *in camera* committee meeting has been ruled by the Speaker to constitute a *prima facie* matter of privilege. Unless otherwise directed by the Assembly, it is not a breach of privilege for a member of a committee to discuss with other Members of the Assembly, in confidence, matters that are under consideration by a committee (Standing Order 15(9)).

Seconders

Seconders to motions are not required in any committee of the Legislative Assembly.

Withdrawal of Motions and Amendments

Having proposed a motion which has not been voted on, a Member may withdraw his/her motion with the unanimous consent of the committee (Fraser et al., *Beauchesne's*, 6th Ed., §586(1), p.178). In Alberta this rule is often relaxed, with committee members indicating they wish to withdraw their motion without formal approval by the committee. An amendment may be withdrawn with the unanimous consent of the committee, but neither a motion nor an amendment can be withdrawn in the absence of the Member who moved it (Fraser et al., *Beauchesne's*, 6th Ed., §586(2), p.178).

Voting

The Chair puts questions to the committee and obtains a "voice vote." Based on the response ("the Ayes" "and noes"), the Chair will announce that the question is carried or defeated.

Pursuant to Standing Order 32(5), every Member in the Chamber (or in a committee meeting) must vote on the question being put unless a Member has a direct pecuniary interest in a matter to be voted on, in which case the Member declares the interest to the Assembly or committee and leaves the Chamber or meeting room before the vote is taken.

The *Conflicts of Interest Act* requires a Member with a potential conflict relevant to a Bill or resolution scheduled for debate in the Assembly or scheduled for discussion in a meeting of one of the Assembly's committees to stand in his/her place in the House immediately after the item of business has been called and declares the potential conflict of interest relevant to the item of business under consideration and immediately withdraws from the Chamber or committee room before debate on the issue commences on that day and on subsequent days when the same item of business is called and debated. The Clerk of the Legislative Assembly or Committee Clerk will, as soon as is practicable after a declaration, prepare and send the following information to the Ethics Commissioner:

- the name of the Member;
- the name of the committee, where applicable;
- the date on which the declaration was made;
- the issue about which the Member declared his/her potential conflict of interest;
- a copy of the *Hansard* transcript of the proceedings; and
- a copy of the *Votes and Proceedings* of the Assembly or the approved minutes of the committee meeting for the date on which the Member declared his/her potential conflict of interest, as soon as these are available.

Divisions/Recorded Votes

A division may be called for by three Members rising when in the Assembly. When a division is called, the division bells are sounded at the beginning of the 10-minute period for 30 seconds and for the last minute of the 10minute period. When a division is called in Committee of the Whole or Committee of Supply, a Member may request unanimous consent to shorten the 10-minute interval between division bells (Standing Order 32(3)). After the first division is called in Committee of Supply during the vote on the main estimates, the interval between division bells is reduced to one minute for any subsequent division (Standing Order 32(3.1)).

When Members have been called in prior to a division, no further debate is permitted. Every Member remaining in the Chamber must vote on the question being put. The Clerk shall record the ayes and the noes and announce to the Chair the number of votes cast for and against the motion. The ayes and noes shall be entered in the *Votes and Proceedings*.

During a meeting of a standing, special standing, or select special committee the division procedure does not apply, but a Member may request a recorded vote. The Chair asks for a show of hands for and against a motion, the Chair reads the names for and against the motion into the record, and the Committee Clerk records the names in the minutes.

Attendance and Participation at Committee Meetings

The Committee Clerk maintains a record of attendance of committee members at meetings and enters the names of those Members attending in the minutes of the committee proceedings.

Temporary substitution in the membership of a standing or special committee may be made upon written notification signed by the original Member and filed with the Clerk and committee Chair at least 24 hours prior to the meeting. A substitute Member, including a Member substituting for the committee Chair, shall be considered to be acting in the place of the original Member for a specific time period or for a committee's consideration of a specific issue, and the substitution may be terminated at any time by the original Member of the committee (Standing Order 56). Should the Chair be unable to attend a meeting and no substitution has been appointed, the Deputy Chair takes his/her place.

In addition to Members appointed to the committee, any Member of the Assembly is entitled to attend committee meetings and participate in committee discussions but may not vote or move any motions (see Fraser et al., *Beauchesne's*, 6th Ed., §766, pp. 223-224; see also O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1018).

The attendance of non-appointed Members is recorded in the minutes of the committee proceedings separately from the record of attendance of appointed Members (Fraser et al., *Beauchesne's*, 6th Ed., §766, pp. 223-224 and Alberta committee practice). If the committee moves *in camera*, nonMembers ordinarily withdraw from the meeting although they may remain with the committee's consent (see also O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1061).

Termination of Committee

Special committees, when they report, have completed their work and cease to exist. Certain administrative costs may be incurred after the report is tabled, but no meetings may be held.

Standing committees and committees of the whole Assembly have continuing assignments. Therefore, reports by those committees do not have the effect of terminating their work. Dissolution affects these committees as indicated below.

Effects of Prorogation

Prorogation terminates a session of the Assembly, and the Assembly may not sit again until summoned by proclamation of the Lieutenant Governor. Committees have no authority to meet during prorogation.

Effects of Dissolution

Dissolution of a Legislature immediately terminates all standing and special committees.

Chair Election/Appointment

Committees of the Whole Assembly

Pursuant to Standing Order 58 at the beginning of a new Legislature the Assembly will elect, by secret ballot, one of its Members to serve as the Deputy Speaker and Chair of Committees as well as a Deputy Chair of Committees.

Standing Committees

On the opening day of a new Legislature, when the standing committees of the Assembly are established, it has been the practice to indicate the Chair and Deputy Chair of each of these committees.

The Chair of the Standing Committee on Public Accounts has traditionally been a member of the Official Opposition while Standing Order 52.01(2) provides that the Chair of a Legislative Policy Committee be a member of the Government caucus and that the Deputy Chair be a member of the Official Opposition.

The Chair of the Special Standing Committee on Members' Services is the Speaker.

Special Committees

The motion establishing a special committee lists the Members who serve on the committee and indicates the Members who serve as Chair and Deputy Chair.

Deputy Chair Election

Standing Order 58 authorizes the Assembly to elect one of its Members to act as the Deputy Chair of Committees for committees of the whole Assembly, as does section 17 of the *Legislative Assembly Act*. The salary for the position of Deputy Chair of Committees is set out in section 40 of the *Legislative Assembly Act*.

> **40(1)** The following salaries shall be paid to the Speaker, the Deputy Speaker and the Deputy Chair . . .
>
> (c) in the case of the Deputy Chair, a salary at a rate equal to 25% of that payable to the Speaker . . .
>
> **(3)** For the purpose of computing the amount of a salary payable under subsection (1) to the Deputy Speaker or Deputy Chair,
>
> (a) the Member who first occupies the office after the commencement of the first session of the Legislature following a general election is deemed to have held the office from the polling day of that general election, and
>
> (b) when the Legislature is dissolved, the Member then holding the office of Deputy Speaker or Deputy Chair is deemed to remain in the office until
>
> (i) the day preceding the polling day of the general election following the dissolution, or
>
> (ii) the date of the Member's death,
>
> whichever occurs first.
>
> **(4)** If the holder of the office of Speaker, Deputy Speaker or Deputy Chair changes, then for the purpose of computing the amount of salary payable to the Member succeeding to the office, the Member is deemed to have held the office from the day following the day on which the Member's predecessor ceased to hold it.

It is the practice in the Legislative Assembly of Alberta that when a standing committee or a special committee is appointed, the resolution for appointment contains a list of members and designates the committee's Chair and Deputy Chair. If a Deputy Chair is not named, Standing Order 54(2) provides that a committee may elect one of its members to be Deputy Chair. Standing Order 54(3) provides that in the absence of both the Chair and the Deputy Chair at a meeting, the committee may elect one of its members to serve as Acting Chair for the duration of that meeting.

As mentioned above, on the opening day of a new Legislature, when the standing committees of the Assembly are established, it has been the practice to indicate the Chair and Deputy Chair of each of these committees.

Standing Order 52.01(2) provides for the Chair of a Legislative Policy Committee to be a member of the Government caucus and the Deputy Chair to be a member of the Official Opposition.

Powers and Responsibilities - Chair and Deputy Chair

Order and Decorum

The Chair serves as the presiding officer of the committee and the spokesperson through whom all matters are channeled.

Standing Order 65(2) states:

> (a) The Chair shall maintain order in the committees of the whole Assembly and shall decide all questions of order subject to an appeal to the Assembly.
>
> (b) The Chair shall maintain order in standing and special committees and shall decide all questions of order subject to an appeal to the committee.

Appeal of Chair's Decision

In Committee of the Whole, when a committee member appeals a ruling given by the Chair, the Member presiding leaves the Chair and upon the Speaker's return to the Chamber gives a brief account of what transpired in the committee that led to his/her decision. The Speaker then puts the question, without debate, that the decision of the Chair be confirmed. Once voted on, the committee meeting continues where it left off after the Speaker leaves the Chamber.

In standing and select special committee meetings, while the committee Chair's decision is not subject to debate, it may be appealed by the members of the committee. A Member appealing a ruling requests that the committee vote on the motion "that the Chair's rulings be sustained." The overturning of a ruling is not necessarily considered a matter of nonconfidence in the Chair. While the decisions made by a Chair are binding on the committee, they do not constitute precedents which bind other committees, nor do they bind subsequent Chairs of committees in which they are made (see O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., pp. 1047 and 1049-1050; see also Fraser et al., *Beauchesne's*, 6th Ed., §821, p. 232).

Alberta has had very few instances in which a Chair's ruling has been challenged. When this has occurred, the Chair's ruling has been upheld.

Alberta's Standing Orders ensure that committees adhere to the mandates given to them by the Assembly. From time to time when a committee may have strayed into the study of a matter that was the responsibility of a different committee or that exceeded its mandate, this encroachment was drawn to its attention and the committee's proceedings corrected.

Discipline

A committee does not have the power to discipline any of its members. If a Member refuses to follow the orders of the Chair, the Chair may name the Member but must "immediately" suspend the proceedings of the committee and report the circumstances to the Assembly (Standing Order 56(3)). Reference should be made to O'Brien and Bosc, eds., *House of Commons Procedure and*

Practice, 2nd Ed., pp. 149-152 and 1048-1050; Fraser et al., *Beauchesne's*, 6th Ed., §820(2), p. 232; and Fraser, et al., Sir Malcolm Jack, ed., *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 24th Ed., pp. 567-569.

Casting Vote of the Chair

The Chair of a committee may vote on any motion before the committee only where there is an equality of votes. In exercising a casting vote, the Chair should be guided by the same principles as the Speaker of the House indicated in Standing Order 11 and O'Brien and Bosc (*House of Commons Procedure and Practice*, 2nd Ed.) pp. 1031 and 1053; see also Fraser et al., *Beauchesne's*, 6th Ed., §310(4), pp. 94-95. In general, it is left to the Chair to interpret the conventions of the casting vote. However, there is a widely accepted view that the Chair should always vote to preserve the status quo.

Sir Malcolm Jack, ed., *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 24th Ed., p.423 states:

> When the voices are equal in a Committee of the whole House or in a public bill committee the Chair gives his casting vote, and in doing so is guided by the same principles as the Speaker in the House. Thus, in committee on a bill, on an amendment to leave out words, the Chair gave a casting vote for their retention in the bill, as the House would have another opportunity of considering the same question on consideration of the bill, as amended. Similarly, when, at the first sitting of a public bill committee, the division on the programme motion resulted in an equality, the Chair voted with the noes.

Days and Hours of Meetings

The Chair may set the days and hours of meetings with the consent of the committee (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1031).

Committees may meet when the Assembly is adjourned (Standing Order 54) but may not meet when the House itself is sitting unless leave of the Assembly is given (Standing Order 57(1)). A motion for leave to sit is not debatable, but the mover of the motion shall explain why it is necessary for the committee to meet while the Assembly is sitting (Standing Order 57(2)).

Media at Committee Meetings

Under Standing Order 116, dealing with media at committee meetings, the recording and broadcasting of proceedings by the broadcast media and the taking of photographs shall be at the discretion of the Chair of the committee and subject to any conditions set by him/her.

THE LOIS HOLE MEMORIAL GARDEN

Membership

Proportional Representation on Committees

Pursuant to Standing Order 52(4) the composition of the membership of committees of the Assembly must be proportionate to the number of seats held by each party in the Assembly (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., p. 1019; also Fraser et al., *Beauchesne's*, 6th Ed., §765(3), p. 223) and is established by a government motion on the opening day of a new Legislature. The proportionate membership of committees may be varied by an agreement among all House Leaders (Standing Order 52(5)).

The *Alberta Heritage Savings Trust Fund Act* specifically outlines the membership of the Standing Committee on the Alberta Heritage Savings Trust Fund. Section 6(2) states that its membership shall include three Members of the Legislative Assembly who are not members of the governing party, but if there is an insufficient number of nongovernment Members to fill the three positions on the standing committee or an insufficient number of nongovernment Members who are willing to fill the three positions, the resulting vacant positions may be filled by Members from the governing party.

Numerical Membership of Committees

(1) Committee of the Whole and Committee of Supply

By definition these two committees are composed of all Members of the Assembly.

(2) Standing Committees

Pursuant to Standing Orders 52(1) and 52.01(1) the standing committees are as follows:

- Alberta Heritage Savings Trust Fund, consisting of 9 Members
- Alberta's Economic Future, consisting of 25 Members
- Families and Communities, consisting of 25 Members
- Legislative Offices, consisting of 11 Members
- Private Bills, consisting of 21 Members
- Privileges and Elections, Standing Orders and Printing, consisting of 21 Members
- Public Accounts, consisting of 21 Members
- Resource Stewardship, consisting of 25 Members

(3) Special Committees

Standing Order 56(1) provides that no special committee may consist of more than 11 Members without leave of the Assembly granted by motion on notice.

Change in Membership

A Member may be added to or substituted on a committee after the initial appointment of a committee with leave of the Assembly (Standing Order 56(2)). This is done by motion which has been given proper notice.

Substitution

The Standing Orders provide for temporary substitutions in the membership of a standing or special committee. Written notification of a substitution must be signed by the original Member and filed with the Clerk and committee Chair at least 24 hours prior to the meeting. A substituted member, including a Member who is substituting for the committee Chair, shall be considered to be acting in the place of the original Member for a specific time period or for committee consideration of a specific issue, and the substitution may be terminated at any time by the original Member of the committee (Standing Order 56). Should the Chair be unable to attend a meeting, the Deputy Chair takes his/her place. If the Assembly is adjourned and the Chair of a committee resigns his or her position or is otherwise unable to carry out the duties of Chair, the committee may elect one of its members as Chair (Standing Order 56(2.5)).

Resignation

Standing Order 56(3) provides that a Member may resign from a special or standing committee by submitting a resignation to the Speaker in writing, with the resignation deemed to be effective on the report of the Speaker to the Assembly.

Reports

Consideration of Report

A committee may wish to consider its report *in camera* to ensure there is no premature disclosure of its recommendations. A majority vote agreeing to a motion to go *in camera* is needed with the exception of Legislative Policy Committees, in which unanimous consent is needed (Standing Order 65(1)(c)).

Confidentiality of Committee Discussions

Under Standing Order 15(9) it is not a breach of privilege for a Member to discuss in confidence a committee's deliberations with other Members of the Assembly.

Signing Authority

Standing Order 68(1) states that the report of a committee shall be signed only by the Chair even if the Chair dissents from the majority of the committee.

Minority Reports

Standing Order 68(2) provides that the report of a committee is the report decided by the committee as a whole or the majority thereof but shall include any dissenting or minority reports concerning the report or parts thereof.

Printing

The Committee Clerk, the Research section, and the Communications branch of the LAO will assist in the preparation and publication of the committee's report. Funds appropriated for the purpose of printing and distributing the report are included in the committee's budget.

To ensure that confidentiality in a committee's report is maintained until its release, the Sergeant-at-Arms may be contacted to arrange for security personnel to attend at external printing facilities and to oversee its delivery to the Legislature Building and storage until released.

Presentation to Assembly

Standing Order 7(1) provides that committee reports shall be presented to the Assembly during the Daily Routine under the item Presenting Reports by Standing and Special Committees.

Standing Order 37(1) provides that all reports shall be tabled in quintuplicate. Additionally, copies of committee reports are usually distributed to all Members.

Reports by the Chair of the Standing Committee on Private Bills are not distributed to Members as the report is printed in the *Votes and Proceedings*.

Reports by the Chair of Committees of the whole Assembly are not debatable (Standing Order 18(1)(b)) and are presented to the Assembly when the committee rises.

Standing Order 53(2) provides for the Government to respond to a report of the Public Accounts Committee within 150 days of the date on which the committee reports.

Concurrence by the Assembly

Reports by the Chair of the Standing Committee on Private Bills are concurred in in the Assembly immediately following presentation of the report. The motion to concur forms part of the committee's report to the Assembly when it is tabled under Presenting Reports by Standing and Special Committees. This motion is debatable.

Reports from Legislative Policy Committees tasked with consideration of a Bill referred to the committee after first reading need to receive concurrence from the Assembly for the Bill to proceed to second reading (Standing Order 74.2(2)). These motions are debatable.

Standing Order 78.3 provides that a Legislative Policy Committee to which a Bill has been referred by the Assembly after second reading shall be empowered to report the same with or without amendments or to report that the Bill not proceed. The report may also contain a written statement of the committee's conclusion if the Bill was the subject of a public hearing.

When a Bill is reported from a Legislative Policy Committee pursuant to Standing Order 78.4, the following procedure applies:

(a) any Bill shall be considered committed to Committee of the Whole Assembly unless otherwise ordered;

(b) When a report recommends that the Bill not proceed, a motion to concur in that report shall be put immediately and decided without debate, and if agreed to, the Bill shall be dropped from the Order Paper but if negatived, the Bill shall stand committed to the Committee of the Whole.

Reports from the Committee of the Whole or Committee of Supply are not debatable (Standing Order 18(1)(b)).

Privilege in Committee

Since the House has not given its committees the power to punish any misconduct, breach of privilege, or contempt directly, committees cannot decide such matters; they can only report them to the House. Only the House can decide if an offence has been committed. Speakers have consistently ruled that except in the most extreme situations they will only hear questions of privilege arising from proceedings upon presentation of a report from the committee which directly dealt with the matter and not as a question of privilege raised by an individual Member. (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., pp. 149-151 and 1048-1050, Fraser et al., *Beauchesne's*, 6th Ed., §820(2), p. 232)

Should a Member wish to raise a question of privilege in committee or should some event occur in committee which appears to be a breach of privilege or contempt, the Chair of the committee will recognize the Member and hear the question of privilege or contempt or, in the case of some incident, suggest that the committee deal with the matter. The Chair, however, has no authority to rule that a breach of privilege or contempt has occurred. The role of the Chair in such instances is to determine whether the matter raised does in fact touch on privilege and is not a point of order, a grievance, or a matter of debate. If the Chair is of the opinion that the Member's interjection deals with a point of order, a grievance, or a matter of debate or that the incident is within the powers of the committee to deal with, then the Chair will rule accordingly, giving reasons. The committee cannot then consider the matter further as a question of privilege. Should a Member disagree with the Chair's decision, then the Member can appeal to the committee, which can sustain or overturn the Chair's decision.

If the Chair agrees that the issue raised relates to privilege and if the Chair's decision is not overturned by the Committee, then the committee can proceed to the consideration of a report on the matter to the House. The Chair will entertain a motion which will form the text of the report. It should clearly describe the situation, summarize the events, name any individuals involved, indicate that privilege may be involved or that a contempt may have occurred, and request that the House take some action. The motion is debatable and amendable and will have priority of consideration in the committee. If the committee decides that the matter should be reported to the House, it will adopt the report, which will be presented to the House at the appropriate time during the Daily Routine of business.

In the event that a question of privilege arises at a committee meeting held between sittings of the Assembly and a significant period of time elapses between the date of the committee meeting and the date of the next sitting of the Assembly, the work of the committee may be inhibited by such an adjournment. However, only the Assembly by unanimous consent may waive or suspend the provisions of a Standing Order. It is recommended that should such a situation arise, the Chair should consult with the Clerk's office as it may be necessary to adjourn the matter of privilege to allow the committee to continue with its business until the matter can be raised in the Assembly itself.

With respect to privileges of committees in general, *Beauchesne's* (Fraser et al., *Beauchesne's*, 6th Ed., §106 and §107, p. 27) states:

> §106 Many of the privileges of the House extend also to its committees. They may exclude the public from their meetings and commonly do so, particularly while considering their reports to the House. Members not on the committee may be requested to leave but cannot be forced to do so. Committee reports and the verbatim transcripts of committee hearings are documents published under the authority of the House and are entitled to the same absolute privilege as House documents. Extracts from committee documents enjoy the same qualified privilege as extracts from House documents.
>
> §107 Breaches of privilege in committee may be dealt with only by the House itself on report from the committee. Thus should a witness refuse to attend, or refuse to give evidence, the committee must report the fact to the House for remedial action.

Sections 8, 9, and 10 of the *Legislative Assembly Act* define the privileges, immunities, and powers of the Assembly and its Members and the committees of the Assembly and their members.

For extension of privilege to witnesses appearing before a committee, see the section entitled "Witnesses" in this guide.

Witnesses

A committee of the Legislative Assembly may invite any person to appear before it as a witness. A committee may not, however, summon any person to appear as a witness without an order of the committee or the Assembly (Standing Order 69). A witness cannot be summoned or brought before the committee by a Member on a Member's own initiative. It is the responsibility of the committee as a whole to determine which witnesses it will hear.

Power to compel a witness to appear before a committee, to give evidence on oath orally or in writing as well as producing papers, documents, or things required by the committee is provided in section 14 of the *Legislative Assembly Act*, reproduced below:

14(1) The Assembly or a committee of the Assembly may by order summon before the Assembly or the committee, as the case may be, any person as a witness and require him to give evidence on oath orally or in writing and to produce any documents and things the Assembly or committee considers necessary in any of its proceedings or deliberations.

(2) If the Assembly or the committee requires the attendance of a person as a witness by an order under subsection (1), the Speaker may issue a warrant directing the person to attend and produce any documents and things mentioned in the order.

(3) An order or warrant under this section may command the aid and assistance of a sheriff or peace officer.

With respect to subsection (3) above, reference should be made to the responsibilities of the Sergeant-at-Arms as set out in Standing Order 110.

Privilege/Freedom of Speech

The protection of witnesses is a fundamental aspect of privilege that extends to parliamentary proceedings and those persons who participate in them. *Beauchesne's* (Fraser et al., *Beauchesne's*, 6th Ed., §109, pp.27-28) state that witnesses appearing before committees share the same privilege of freedom of speech as Members. Nothing said before a committee may be used in a court of law. Therefore, a witness may not refuse to answer on the grounds of self-incrimination.

Protection of Witnesses

The protection of witnesses extends to threats made against them or intimidation with respect to their presentations before any parliamentary committee (Diane Davidson, "The Powers of Parliamentary Committees", *Canadian Parliamentary Review*, volume 18, No. 1, (1995)).

The protection of parliamentary privilege which is afforded to witnesses applies equally to witnesses who attend a committee voluntarily as well as those who are summoned. Any person who initiates legal proceedings against another person because of evidence the latter gave before the House or a committee is guilty of a breach of privilege (Derek Lee, *The Power of Parliamentary Houses to Send for Persons, Papers & Records* [Toronto: University of Toronto Press, 1993] 83; see also O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., pp. 93-95 and 1069-1070, and Fraser et al., *Beauchesne's*, 6th Ed., §853 to §855, p. 237.).

Oaths

Some committees have witnesses swear an oath prior to giving testimony. The Standing Committee on Private Bills routinely swears in witnesses, as has the Standing Committee on Privileges and Elections, Standing Orders and Printing. The decision as to the swearing in of witnesses is entirely at the discretion of the committee. A witness who refuses to be sworn in might face a charge of contempt. Likewise, the refusal to answer questions or failure to reply truthfully may give rise to a charge of contempt of the House, whether the witness has been sworn in or not. In addition, witnesses who lie under oath may be charged with perjury (O'Brien and Bosc, eds., *House of Commons Procedure and Practice*, 2nd Ed., pp. 139 and 1066-1067).

Payment to Witnesses

Standing Orders 69(2) and (3) authorize payments to witnesses summoned before a committee.

> **69(2)** The Clerk of the Assembly is authorized to pay to witnesses summoned under suborder (1) a reasonable sum per day during their travel and attendance and a reasonable allowance for traveling and subsistence expenses, as determined by the Speaker.
>
> **(3)** The claim of a witness for payment shall state
>
> (a) the number of days the witness has been in attendance,
>
> (b) the time of necessary travel, and
>
> (c) the amount of the witness's expenses,
>
> and, before being paid, shall be certified by the Chair of the committee before which the witness has been summoned.

Appendix

Procedure in Committees - Quick Reference

Acting Chair – may be elected for a meeting if the Chair and Deputy Chair are not available

Adjournment – motion always in order, not debatable

Agenda – determined by the Chair and the Deputy Chair in accordance with committee wishes; "other business" allows for new business to be raised

Appeal of Chair's ruling – in Committees of the Whole, to the Assembly; in other committees, to the committee itself

Attendance by non-Members – may participate in discussion but may not vote or move motions; generally leave if *in camera* discussion held

Confidential documents – may be received as such by the committee prior to distribution, or the committee may choose not to receive the documents as confidential

Deputy Chair – named when committee established or by committee; full powers of the Chair

Discipline – no power for committee to discipline a Member; matter must be reported to the House

Dissolution – terminates all Legislature committees, standing and special

In camera meetings – discussions *in camera* are not recorded; staff may be excused as directed by the committee; any decisions made *in camera* must be made again when the committee resumes on the record

Informal meetings – not properly a meeting of the committee and should not be referred to as a meeting; Members not paid for such an event

Leave the chair, motion for Chair to – always in order, not debatable

Meeting schedule – may be developed at organizational meeting or by the Chair in consultation with caucuses

Membership – established by the House, and changes may be made only by the House

Minority reports – are permitted pursuant to Standing Order 68(2).

Operations in committee – governed by Standing Orders, particularly chapter 5

Order and decorum – maintained by the Chair, with appeal to the committee possible

Privilege – must be dealt with by the House and not in committee

Quorum – one third of members of standing or special committees and 20 members in Committee of the Whole; the Chair is included in the count

Quorum, reduced – discussions may continue, but no decisions may be made

Records of the committee – belong to the committee until it reports, then belong to the Assembly

Report by committee – reports by Committees of the Whole not debatable; report is report of the majority although dissenting opinions may be included

Seconders – not required

Special committee – ceases to exist when report presented

Special Standing Committee on Members' Services – chaired by the Speaker; responsible for approving the budget for the Legislative Assembly.

Standing committees – reappointed each Legislature; reports do not terminate work of committee

Subcommittees – practice is to allow subcommittees; Members' expenses are paid for service on subcommittees

Terms of reference – consult Standing Orders, appropriate statute, motion striking the committee

Voting – all Members must vote (Standing Order 32(5))

Witnesses – may only be summoned by order of the committee or the Assembly; payments made for reasonable expenses

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